

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MARYLAND**

LARRY DUDLEY
2323 Vermont Avenue
Landover, Maryland 20785

Plaintiff

v.

Case No.

UNITED STATES OF AMERICA
Rod J. Rosenstein, Esquire
United States Attorney for
District of Maryland
36 S. Charles Street, 4th Floor
Baltimore, Maryland 21201

Desk Type: Civil General

ALSO SERVE:

Patrick R. Donahue
Postmaster General
475 L'Enfant Plaza, SW
Washington, DC 20260

Eric H. Holder, Jr., Esquire
Attorney General of the United States
US Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

Defendant

COMPLAINT

TO THE HONORABLE, THE JUDGES OF SAID COURT:

COMES NOW the Plaintiff, Larry Dudley, by and through his attorney, Erik D. Frye, and brings this action against the Defendant, the United States of America, and in support states as follows:

COUNT I

1. That jurisdiction is founded in 28 U.S.C. ss1346(b) (1994).
2. That Plaintiff, Larry Dudley, is an adult citizen of the United States and a resident of Prince George's County, Maryland.

3. That the United States Postal Service is an executive agency of the United States Government. The U.S. Postal Service was placed on proper notice, and on April 15, 2013, denied liability for the claim.

4. That on or about December 3, 2007, the Plaintiff, Larry Dudley, was in the Capitol Heights, Maryland Post Office in Prince George's County, Maryland. At all times herein, Plaintiff was acted in a lawful and prudent manner.

5. At the same time, Jimmy Lyons, acting as an employee-agent of the Defendant, the United States of America, (hereinafter referred to U.S.A.) was operating a forklift at the Capitol Heights, Maryland Post Office in Prince George's County, Maryland, when he struck the plaintiff causing severe injury to Plaintiff, Larry Dudley.

6. That it was then and there the duty of Defendant, Jimmy Lyons, as an employee-agent of the Defendant, U.S.A., while operating the forklift to use due care to watch where he was driving, to maintain a proper lookout, to maintain a proper speed for the conditions present, to reduce speed to avoid the accident, to maintain control of his vehicle, to pay full time and attention, to stop his vehicle in order to avoid a collision, and to yield the right of way, particularly with regard to Plaintiff, Larry Dudley.

7. That the Defendant, Jimmy Lyons, as employee/agent of the Defendant, U.S.A., then and there breached that duty of due care by failing to watch where he was driving, failing to maintain a proper lookout, failing to maintain a proper speed for the conditions present, failing to reduce speed to avoid an accident, failing to control his vehicle, failing to pay full time and attention, failing to yield the right of way, failing to use due care, particularly when he struck the Plaintiff. At no time was the Plaintiff contributorily negligent and he had no opportunity to avoid the accident.

8. That said negligence on the part of the Defendant, Jimmy Lyons, as employee/agent of the Defendant, U.S.A., was the actual and proximate cause of the collision. The said

collision was the actual and proximate cause of the injuries and damages which occurred to Plaintiff, Larry Dudley, on the date aforesaid.

9. That as a direct and proximate result of the negligence of the agent/employee of the Defendant, Plaintiff has suffered and will continue to suffer in the future severe physical injuries and mental anguish. Additionally, Plaintiff has expended and will continue to expend in the future vast sums for medical care and treatments, medicines, nursing service, physical therapy and other protracted medical-related attention. Further, the Plaintiff has lost extensive wages and will continue to lose such wages in the future and thus presents a claim for past and future earnings loss and loss of earning capacity. Plaintiff is unable to perform his normal household duties and thus presents a claim for loss of home services. All the above damages were directly and proximately caused by the aforementioned negligence of the agent/employee of the Defendant and were incurred without contributory negligence on the part of the Plaintiff or an opportunity for the Plaintiff to avoid the collision.

WHEREFORE, the Plaintiff, Larry Dudley, demands judgment against the Defendant, U.S.A., in the amount of One Million Dollars (\$1,000,000.00) plus costs.



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